

REMARKS

The present invention is an operable device to be used in a vehicle to control the operating states of the operating device based upon a driving profile indicating an actual driving situation of the vehicle or by measuring fluctuation of a driving speed of a vehicle over a time period. The operable device includes an operating panel 14 through which a user can cause at least one of producing existing operating states or changing existing operating states of the operable device. A decision unit 15 receives data for determining vehicle-specific conditions over a time period of vehicle operation by evaluating received data and converts the vehicle-specific conditions into a driving profile indicating an actual driving situation of the vehicle and blocks or releases existing operating states of the operable device based on the driving profile or as a function of the driving speed. The use of driving profiles by the invention is described in paragraph [0024] of the specification. Moreover, fluctuation of driving speed of the vehicle over a time period may be used for the blocking of operating states or releasing of operating states of the operable device based on the measured fluctuation. See paragraphs [0016] - [0022] of the Substitute Specification. Paragraph [0024] of the Substitute Specification discusses that the driving profile is based upon values received from the sensors 17 such as the speed sensor 17.1.

The decision unit 15 is described in paragraph [0015] of the Substitute Specification as acting as a threshold switch responsive to speed values from the sensor 17.1 which, when dangerous operation is detected, such as operation above

130 kilometers per hour, a data signal blocks the operation of the operating panel on the car radio 12 and prevents telephone calls from being made in the vehicle.

Claims 9-24 stand rejected under 35 U.S.C. § 103 as being unpatentable over EP 0 851 699 A2 (Mamori et al).

With respect to claims 9 and 10, the Examiner reasons as follows:

Regarding claim 9 Mamori teaches an operable device, comprising an operating panel through which a user can produce and/or change existing operating states of an operable device (see pg. 5, lines 22-23 & 45-48). Mamori teaches a decision unit which blocks or releases certain operating states of an operable device based on received data (see pg. 7, lines 30-41). Mamori does not teach receiving data for determining vehicle-specific conditions by evaluating the received data and converting the vehicle-specific conditions into a driving profile and blocking or releasing operating states based on the driving profile. Mohlenkamp teaches receiving data for determining vehicle-specific conditions by evaluating the received data and converting the vehicle-specific conditions into a driving profile (see col. 2, lines 5-10 & 47-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include receiving data for determining vehicle-specific conditions by evaluating the received data and converting the vehicle-specific conditions into a driving profile and blocking or releasing operating states based on the driving profile because this would allow for remote operation of external devices based on vehicle conditions.

Regarding claim 10 Mamori teaches an operable device, comprising an operating panel through which a user can produce and/or change existing operating states of an operable device (see pg. 5, lines 22-23 & 45-48). Mamori teaches a decision unit which blocks or releases certain operating states of an operable device based on received data (see pg. 7, lines 30-41). Mamori does not teach receiving data for determining vehicle-specific conditions by measuring fluctuation of a driving speed of the vehicle over a time period and blocking or releasing operating states based on the measured fluctuation. Mohlenkamp teaches receiving data for determining vehicle-specific conditions by measuring fluctuation of a driving speed of the vehicle over a time period (see col. 2, lines 5-10 & 47-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include receiving data for determining vehicle-specific conditions by measuring fluctuation of a driving speed of the vehicle over a time period and blocking or releasing operating states based on the measured

fluctuation because this would allow for remote operation of external devices based on vehicle conditions.

These grounds of rejection are traversed for the following reasons.

With respect to claim 9, the Examiner acknowledges that "Mamori does not teach receiving data for determining vehicle-specific conditions by evaluating the received data and converting the vehicle-specific conditions into a driving profile and blocking a releasing operating space on the driving profile". The Examiner is correct in this observation in that Mamori et al only set a speed threshold which is inputted from the operator panel that is used to control inhibiting the making of calls. Furthermore, column 7, lines 36-53, describes the operation when a call is received which, when a safety flag has been set, that a calling function is prevented from being completed. It is seen from this description that, as the Examiner has stated, that all that Mamori et al teach is that vehicle speed measured relative to a speed flag will block calling operations when the speed is excessive.

The Examiner has cited column 2, lines 5-10 and 47-49 of Mohlenkamp et al for teaching "receiving data for determining vehicle-specific conditions by evaluating the received data and converting the vehicle-specific conditions into a driving profile". The Examiner is quite correct that Mohlenkamp does describe a driving profile being generated. However, the driving profile is a for a totally different purpose and would not motivate a person of ordinary skill in the art to use the driving profile therein to arrive at the subject matter of claim 9.

As is described in detail in Mohlenkamp et al, what is involved therein is the utilization of floating cars which generate in each car an actual driving

profile property 52 and expected driving profile properties 48 which are compared by comparator 60. The comparison result provided by comparator 60 indicates when the exceeding of a difference in actual vehicle operation from expected driving operation occurs resulting in a calling center being alerted by a transmitter. See column 3, lines 41-56, and column 5, lines 8-19, where the comparison result is discussed for the purpose of generating a report to a traffic center.

It is therefore seen, that while Mohlenkamp et al's actual driving profile for multiple vehicles is generated, such profile is not utilized for the claimed purpose recited in the decision unit of claim 9, which is recited as "a decision unit coupled to the operating panel, which receives data for determining vehicle-specific conditions over a time period of vehicle operation by evaluating the received data and converts the vehicle-specific conditions into a driving profile indicating an actual driving situation of the vehicle and blocks or releases the existing operating states of the operable device according to whether the actual driving situation is dangerous or non-dangerous on a basis of the driving profile." The utilization of the profile in Mohlenkamp et al is totally different than the claimed use of the profile. The use of the profile in Mohlenkamp is clearly non-analogous to the claimed profile.

Moreover, it is submitted that the Examiner is engaging in impermissible hindsight in suggesting the combination of Mamori et al and Mohlenkamp to arrive at the claimed invention. If such a combination were made, the resultant use of the claimed profile would not be as recited in claim 9.

Claim 10 is submitted to be patentable for substantially the same reasons as stated above. It is noted that the Examiner is again relying on Mohlenkamp et al for teaching receiving data for determining vehicle-specific conditions by measuring fluctuation of driving speed of vehicles over a period of time. The purpose of measuring the vehicle speed in Mohlenkamp et al is for determining the overall traffic profile of a traffic station and not for vehicle control. Accordingly, it is submitted that claim 10, while worded in a somewhat different manner than claim 9, also requires the blocking or releasing of the existing operating states of the operable device based on the measured fluctuation of driving speed of the vehicle over a period of time which has no counterpart in either Mamori et al or Mohlenkamp et al. Accordingly, as stated above with respect to claim 9, if the proposed combination were made, the subject matter of claim 10 would also not be achieved.

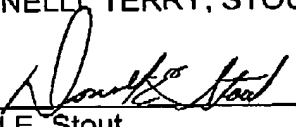
Furthermore, it is submitted that the dependent claims define more specific aspects of the present invention which are not rendered obvious by the proposed combination. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to

Deposit Account No. 01-2135 (1117.40456X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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